

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>THOMAS E. LIBERTI,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:16-1504</b>
<b>v.</b>	:	<b>(JUDGE MANNION)</b>
<b>NANCY A. BERRYHILL,</b>	:	
<b>Acting Commissioner</b>	:	
<b>of Social Security</b>	:	
<b>Defendant</b>	:	

**MEMORANDUM**

Pending before the court is the March 25, 2019 report of Judge Gerald B. Cohn, which recommends that the plaintiff's complaint challenging the final decision of the Commissioner denying his applications for disability insurance benefits ("DIB") and supplemental security income ("SSI") under Titles II and XVI of the Social Security Act, (Doc. 1), [42 U.S.C. §§401-433](#), 1381-1383f, be denied, and that the decision of the Commissioner be affirmed. (Doc. 16). Judge Cohn reviewed the record in this case pursuant to [42 U.S.C. §405\(g\)](#) to determine whether there is substantial evidence to support the Commissioner's decision denying the plaintiff's claims for DIB and SSI. The court has jurisdiction over this appeal pursuant to [42 U.S.C. §1383\(c\)\(3\)](#). Neither the Commissioner nor the plaintiff have filed objections to Judge Cohn's report and the time within which to do so has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error

on the face of the record in order to accept the recommendation.” [Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see *also* [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31. Upon review, the report and recommendation of Judge Cohn will be adopted in its entirety.

The court has reviewed the reasons presented by Judge Cohn for recommending that the plaintiff’s complaint be denied, that the Commissioner’s decision be affirmed. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*  
**MALACHY E. MANNION**  
United States District Judge

**Date: April 10, 2019**

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